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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,978	01/05/2006	Albert Wauters	6.70.1064 PCT/TB-US (LBT1)	6271
7590 Levy & Grandinetti P.O. Box 18385 Washington, DC 20036-8385				
EXAMINER				
ALL MOHAMMAD M				
ART UNIT		PAPER NUMBER		
3744				
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08/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,978

Applicant(s)

WAUTERS ET AL.

Examiner

MOHAMMAD M. ALI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-12 and 15-84 is/are pending in the application.
- 4a) Of the above claim(s) 20-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-12 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 4, 7-12 and 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Leonoff (US 6,082,114) in view of J. V. Young, Jr. hereinafter Young (US 3,075,529) and Stone et al (US 5,899,071). Leonoff discloses a cooling system for cooling a keg/container/can containing a beverage, the cooling system comprising a thermal bridge (32, Figs. 2, 5, 6) adapted to contact a surface portion of the keg/can (18) and having a cavity/chamber (28, chamber 28 is a cavity) filled with a cooling solution (ethylene glycol, see column 8, lines 6-7); and a cooling device (34) adapted to chill the thermal bridge (32), including the cooling solution in the cavity (28) for extracting heat from and for cooling the beverage contained in the keg/can when the

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keg/can is mounted in the heat transfer relation with the thermal bridge (32). See Fig.s 2-3, 5-7; column 6, line 53 to column 9, line 45. Regarding keg and alcoholic beverage, Leonoff is capable of chilling any kind of beverage including beer and wine with any kind of container. Leonoff discloses the invention substantially as claimed as stated above except a solution containing 5% by volume of glycol. Young teaches the use of a mixture of water and glycol having 5% by volume of glycol in a heat transfer device for the purpose of making a suitable and efficient antifreeze solution. See column 5, lines 26-40. Stone et al teach the use of a corrosion inhibitor with antifreeze coolant comprising a mixture of water and glycol for the purpose of saving the heat transfer component from the corrosion. See column 3, lines 56-58.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cooling system of Leonoff in view of Young and Stone et al such that a coolant with 5% by volume of glycol including corrosion inhibitor could be provided in order to have an efficient antifreeze coolant with component saving inhibitor to save heat transfer component from corrosion.

Regarding claims 1, 4 and 12, the above combined disclosure of Leonoff, Young and Stone et al disclose the limitations of claims 1, 4 and 12.

Regarding claim 2, the cooling solution being ethylene glycol , it can be chilled to the extent it has a latent heat cooling capacity as its well known use in automotive as antifreeze cooling fluid.

.Regarding claims 8 and 16, Leonoff discloses a thermoelectric/Peltier cooling unit (34) that has a cool surface portion (26) in heat transfer contact with the thermal bridge (30/32) and that has a hot surface (36) in heat transfer contact with the heat sink. (see Fig. 2).

Regarding claims 9 and 17, Leonoff discloses a fan (66) directing air flow across the heat sink (Figs. 5-6).

Regarding claims 10 and 18, Leonoff discloses a container contact member (100) adapted to contact the bottom plate (52) on which the keg/container/can is seated is being thermal/heat transferred by both the container contact member (100) and the heat transfer member (24). See Figs. 2 and 7.

Regarding claim s11 and 19, Leonoff's cooling device further includes an active heat sink with the thermoelectric module (34) adapted to remove heat from the thermal bridge (32) and to dissipate heat transferred through the thermal bridge (30/32) from the alcohol beverage contained in the container (18).

Response to Arguments

Applicant's arguments filed 05/07/09 have been fully considered but they are not persuasive. The Applicants argue that amended claims recite desirable embodiments of the invention which are not disclosed or suggested by the cited art. The Examiner disagrees. The Examiner already rejected the claims 3, 5, 6, 13 and 14 with detail explanation before amending the claims by adding the features of the rejected claims. The Applicants do not furnish any argument explaining how the previous rejections are not correct specially for the claims on which basis the amendments have been made.

Therefore, rejections are ok for the previous action and thus the rejections are ok for this action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD M. ALI whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/
Primary Examiner, Art Unit 3744